

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2003-357-C - ORDER NO. 2004-36

JANUARY 23, 2004

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| IN RE: Petition of PBT Communications, Inc. for<br>Arbitration with BellSouth<br>Telecommunications, Inc. Pursuant to the<br>Telecommunications Act of 1996. | ) ORDER GRANTING<br>) EXTENSION AND<br>) MODIFYING HEARING<br>) DATE AND PREFILING<br>) DATES FOR<br>) TESTIMONY AND<br>) EXHIBITS |
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This matter comes before the Public Service Commission of South Carolina (the "Commission") on the joint request of PBT Communications, Inc. ("PBT") and BellSouth Telecommunications, Inc. ("BellSouth") (collectively referred to as the "Parties") for an extension of time in which to file testimony and exhibits regarding the arbitration of certain unresolved issues related to the interconnection negotiations between PBT and BellSouth. Further, the Parties request that the hearing in this matter be rescheduled from the current hearing date of February 13, 2004, with the extension of prefile dates for testimony and exhibits being modified accordingly.

On January 8, 2004, the Commission issued Order No. 2004-11, Order Establishing Arbitration Plan and Schedule, which set a hearing date and established prefiling deadlines for the present proceeding. Order No. 2004-11 schedules the hearing in this docket for February 13, 2004, and directs PBT to prefile its direct testimony and exhibits on or before January 16, 2004, and BellSouth to prefile its direct testimony and exhibits on or before January 30, 2004. Additionally, Order No. 2004-11 directs PBT to

file any rebuttal testimony and exhibits on or before February 6, 2004, and BellSouth to file any surrebuttal testimony and exhibits on or before February 10, 2004. Lastly, Order No. 2004-11 establishes February 6, 2004, for the Parties to file prehearing briefs.

By letter of January 9, 2004, PBT and BellSouth filed a joint request for an extension of time not to exceed thirty (30) days for PBT to file testimony in the present proceeding. Further, the Parties request that the hearing presently scheduled for February 13, 2004, be rescheduled and that the prefiling dates for testimony for both parties be modified accordingly.

As reason for the request, PBT and BellSouth assert that they have been heavily involved in negotiations attempting to resolve the issues involved in the arbitration. The Parties state that they feel substantial progress has been made on the issues and that the best use of the Parties' time is to continue to participate in discussions to resolve the pending issues and work out acceptable language for the Parties' interconnection agreement. PBT and BellSouth add that they are hopeful that an extension will allow them to resolve this matter.

After full review and due consideration of the Parties' request, we grant the request for an extension of the date for PBT to prefile its direct testimony and exhibits. Further, we grant the request for the hearing presently scheduled for February 13, 2004, to be rescheduled and modify all prefiling dates accordingly.

Therefore, the Commission hereby issues a revised procedural schedule in the present docket by modification of Order No. 2004-11, dated January 8, 2004, captioned “Order Establishing Arbitration Plan and Schedule” as follows<sup>1</sup>:

The Arbitration Hearing in this Docket shall begin at **10:30 a.m. on Friday, February 27, 2004**, in the Commission Hearing Room. The Commission hereby orders that twenty-five (25) copies of the direct testimony and exhibits of PBT shall be prefiled on or before **January 30, 2004**. Further, twenty-five (25) copies of the direct testimony and exhibits of BellSouth shall be prefiled on or before **February 13, 2004**.

PBT shall prefile any rebuttal testimony and exhibits on or before **February 20, 2004**. Further, BellSouth shall prefile any surrebuttal testimony and exhibits on or before **February 24, 2004**. It should be noted that acceptance into the record of surrebuttal testimony and exhibits is subject to the discretion of the Commission.

The Parties shall file prehearing briefs with the Commission on or before **February 20, 2004**.

The parties shall serve the other parties with copies of all prefiled testimony and exhibits as well as with copies of the prehearing briefs. **Service on the parties and the Commission of the prefiled testimony and exhibits and the prehearing briefs shall be made by the close of business on the dates herein specified with such prefiled testimony and exhibits and prehearing briefs being delivered to the Commission and the opposing party by the close of business on the dates herein specified.** If actual,

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<sup>1</sup> The modifications herein relate only to the hearing date, the due dates for prefilings of testimony and exhibits, and the due date for prehearing briefs. The instructions concerning filing, number of copies to be filed, and service on other parties have not been modified from Order No. 2004-11, but those instructions are repeated herein for emphasis to the parties.

physical service cannot be accomplished on the dates indicated herein, service may be accomplished by facsimile transmission or e-mail transmission of the prefiled testimony and exhibits and prehearing briefs by the close of business on the dates specified, with over-night delivery to follow.

All parties are reminded that all witnesses must be present during the hearing in this matter at the call of the Chairman, or the Commission may decline to allow the witnesses' testimony to be read into the record of the proceeding and/or may decline to allow the witnesses' exhibits to be entered into the evidence of the case.

Opening statements of the parties and any participants will be allowed at the beginning of the hearing. Closing statements of the parties and any participants will be allowed at the conclusion of the hearing.

Direct testimony and exhibits, as well as rebuttal and surrebuttal testimony and exhibits, of the parties' witnesses shall be presented to the Arbitrator in a panel format, with all witnesses being sworn in concurrently. Examination of witnesses will proceed issue by issue, with all witnesses on an issue being examined by both parties before proceeding to the next issue. Examination of the witnesses shall be conducted by attorneys for the Parties. The examination may be directed to specific witnesses or to the entire panel of witnesses. Responses by other witnesses, other than the witness or witnesses to whom the question is directed, may be allowed at the discretion of the Chairman.

Please note that any party requesting modification of this schedule must file a request for such modification with the Commission.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



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Mignon L. Clyburn, Chairman

ATTEST:



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Bruce F. Duke, Executive Director

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